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THE AMES COMPETITION. — The modifications introduced this year in the Ames Competition, by substituting a round-robin tournament between second-year law clubs for the old elimination tournament, have had excellent results in operation. Forty-four cases were argued in the course of the six rounds. This is more than twice the number argued last year, and more than were argued in any two previous years of the Competition, taken together. It is estimated that over one hundred second-year men participated in the arguments, more than half of whom argued two cases. Twenty law clubs entered the first round of the Competition, and fourteen remained through the sixth. No prizes were awarded for work during this preliminary tournament, but pursuant to the rules newly adopted this year, the following clubs, which won five out of the six cases argued, will be admitted to the elimination tournament next year leading directly to the Ames Prizes: Kent, Marshall, Moody, and Westengard.

TRIAL BY NEWSPAPER. — Flagrant newspaper reports and comment upon trials pending in the courts so often go unnoticed and unpunished, that the summary and courageous action of two federal judges recently is indeed refreshing to all desirous of the orderly and fair administration of justice. A federal district judge, sitting in New York City, took from the jury a pending suit for alienation of affections, and sent it to the foot of the calendar for the reason that an interview with the plaintiff had been widely featured in the morning papers. *Kleist v. Breitung*.¹ Only a short time before, a federal district judge in Ohio summarily laid a heavy contempt fine upon a local daily for having urged the violation of an injunction during a street railway agitation and otherwise expressed in partisan language an attitude antagonistic to the court. *United States v. Toledo Newspaper Co.*² Both were conscientious attempts to uphold the dignity of the courts and further justice, yet no doubt both called forth from the aggrieved papers a storm of indignation and a cry that

¹ (Unreported.) Feb. 12, 1915. Learned Hand, J. The interview was given by the plaintiff himself without the knowledge of counsel, and related to facts not in evidence and prejudicial to the defendant. The power of district courts to order a new trial for misconduct of the parties is not defined, but left to rest on common-law principles. U. S. R. S., § 726. There appears to be no precisely analogous case, but there are cases such as *Baker v. State*, 82 Ga. 776, 9 S. E. 743, where a new trial was ordered because plaintiff discussed his case within hearing of the jury during recess.

² Killits, J. (not yet reported). There seems to be considerable doubt whether a federal district court can summarily punish a newspaper for contemporaneous comment under any circumstances. In no other case has it ever been done, and there is an old decision squarely *contra*. *Ex parte Poulson*, 19 Fed. Cas., No. 11,350. The statute says, "The said courts shall have power to punish . . . contempts of their authority; Provided, that such power shall not be construed to extend to any cases except misbehavior of any person in their presence, or so near thereto as to obstruct the administration of justice." U. S. R. S., § 725. Judge Killits in an elaborate opinion declares that the former decision referred to reflects the influence of a local state statute on the judge who decided it, is inconsistent with the historical setting surrounding the passing of the act as seen in the Congressional debates, and has been virtually repudiated by expressions of opinion in the Supreme Court in later cases.

In Massachusetts, the state courts have no hesitation in punishing newspapers for contempt of court in such cases. See *Globe Newspaper Co. v. Commonwealth*, 188 Mass. 449.